

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KPH HEALTHCARE SERVICES INC.,  
individually and on behalf of all others similarly  
situated,

Plaintiff,

v.

ASR GROUP INTERNATIONAL, INC.,  
AMERICAN SUGAR REFINING, INC., DOMINO  
FOODS, INC., UNITED SUGAR PRODUCERS &  
REFINERS COOPERATIVE F/K/A UNITED  
SUGARS CORPORATION, MICHIGAN SUGAR  
COMPANY, COMMODITY INFORMATION,  
INC., AND RICHARD WISTISEN,

Defendants.

REDNER'S MARKET, INC., individually and on  
behalf of all other similarly situated,

Plaintiff,

v.

ASR GROUP INTERNATIONAL, INC.,  
AMERICAN SUGAR REFINING, INC., DOMINO  
FOODS, INC., UNITED SUGAR PRODUCERS &  
REFINERS COOPERATIVE F/K/A UNITED  
SUGARS CORPORATION, MICHIGAN SUGAR  
COMPANY, COMMODITY INFORMATION,  
INC., AND RICHARD WISTISEN,

Defendants.

Case No. 1:24-cv-01941

Judge: Hon. Victor Marrero

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DATE FILED:  5/1/24

Case No. 1:24-cv-01968

Judge: Hon. Victor Marrero

LINDA FOWLER and ISABELLA BENMELEH,  
individually and on behalf of all other similarly  
situated,

Plaintiff,

v.

ASR GROUP INTERNATIONAL, INC.,  
AMERICAN SUGAR REFINING, INC., DOMINO  
FOODS, INC., UNITED SUGAR PRODUCERS &  
REFINERS COOPERATIVE F/K/A UNITED  
SUGARS CORPORATION, MICHIGAN SUGAR  
COMPANY, COMMODITY INFORMATION,  
INC., AND RICHARD WISTISEN,

Defendants.

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GOLDEN GOOSE MARKETS, INC., individually  
and on behalf of all other similarly situated,

Plaintiff,

v.

ASR GROUP INTERNATIONAL, INC.,  
AMERICAN SUGAR REFINING, INC., DOMINO  
FOODS, INC., UNITED SUGAR PRODUCERS &  
REFINERS COOPERATIVE F/K/A UNITED  
SUGARS CORPORATION, MICHIGAN SUGAR  
COMPANY, COMMODITY INFORMATION,  
INC., AND RICHARD WISTISEN,

Defendants.

Case No. 1:24-cv-01972

Judge: Hon. Victor Marrero

Case No. 1:24-cv-02159

Judge: Hon. Victor Marrero

C.A. CURTZE CO., individually and on behalf of all other similarly situated,

Plaintiff,

v.

ASR GROUP INTERNATIONAL, INC.,  
AMERICAN SUGAR REFINING, INC., DOMINO  
FOODS, INC., UNITED SUGAR PRODUCERS &  
REFINERS COOPERATIVE F/K/A UNITED  
SUGARS CORPORATION, MICHIGAN SUGAR  
COMPANY, COMMODITY INFORMATION,  
INC., AND RICHARD WISTISEN,

Defendants.

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WAKEFERN FOOD CORP., individually and on behalf of all other similarly situated,

Plaintiff,

v.

ASR GROUP INTERNATIONAL, INC.,  
AMERICAN SUGAR REFINING, INC., DOMINO  
FOODS, INC., UNITED SUGAR PRODUCERS &  
REFINERS COOPERATIVE F/K/A UNITED  
SUGARS CORPORATION, MICHIGAN SUGAR  
COMPANY, COMMODITY INFORMATION,  
INC., AND RICHARD WISTISEN,

Defendants.

Case No. 1:24-cv-02352

Judge: Hon. Victor Marrero

Case No. 1:24-cv-02840

Judge: Hon. Victor Marrero

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**ORDER RE: CONSOLIDATION AND COORDINATION OF DIRECT AND  
INDIRECT PURCHASER ACTIONS**

Having considered the papers filed in support of the Direct Purchaser and Indirect Purchaser Plaintiffs' Motion for Consolidation and Coordination, the Court **GRANTS** the motion and hereby **ORDERS** as follows:

1. The following actions on behalf of direct purchasers of granulated sugar in the United States pending in this District are consolidated for all purposes including pretrial proceedings, trial, and appeal, pursuant to Federal Rule of Civil Procedure 42(a) (hereafter, the "Consolidated Direct Purchaser Actions"):

- *KPH Healthcare Services, Inc., v. ASR Group International, Inc. et al.*, No. 1:24-cv-1941;
- *Redners' Markets, Inc., v. ASR Group International, Inc., et al.*, No. 1:24-cv-1968;
- *C.A. Curtze Co., v. ASR Group Int'l, Inc., et al.*, No. 1:24-cv-02352; and
- *Wakefern Food Corp. v. ASR Group Int'l, Inc., et al.*, No. 1:24-cv-02840.

2. The following actions on behalf of indirect purchasers of granulated sugar in the United States pending in this District are consolidated for all purposes including pretrial proceedings, trial, and appeal, pursuant to Federal Rule of Civil Procedure 42(a) (collectively, the "Consolidated Indirect Purchaser Actions"):

- *Linda Fowler v. ASR Group International, Inc. et al.*, No 1:24-cv-1972; and
- *Golden Goose Markets, Inc., v. ASR Group International, Inc. et al.*, No. 1:24-cv-02159.

3. In the event that the Judicial Panel for Multidistrict Litigation centralizes and transfers other related actions to this Court pursuant to 28 U.S.C. § 1407, this Order may be amended by the Court or upon the request of the parties with the Court's approval.

4. The Consolidated Direct Purchaser and Indirect Purchaser Actions, as well as any other actions subsequently consolidated with them, shall be coordinated to the extent practicable with one another under one docket for purposes of discovery and pretrial proceedings to promote efficiency in managing and litigating the cases.

5. The files of the coordinated and Consolidated Direct Purchaser and Indirect Purchaser Actions shall be maintained under the Master File Case No. 1:24-cv-01941, the docket number assigned to the first-filed case, and must bear the following caption:

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

*In re Granulated Sugar Antitrust  
Litigation*

Case No. 1:24-cv-01941

This Document Relates To:

6. When a pleading or other court filing is intended to apply to all actions, the words “All Actions” shall appear immediately after the words “This Document Relates To:” in the caption set out above. When a pleading or other court paper is intended to apply to one, or some, but not all, of such actions, the party filing the document shall indicate the action(s) to which the document is intended to apply. The parties may indicate, for example, “All Direct Purchaser Actions” or “All Indirect Purchaser Actions.”

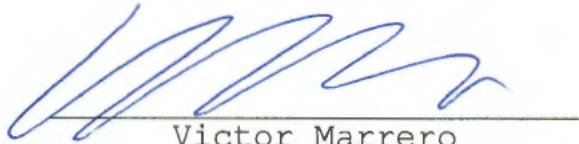
7. The master docket sheet entry will reflect the fact that any particular filing relates to one or more, but less than all, of the plaintiffs. It is the obligation of counsel for the party undertaking such a filing to ensure that any orders entered pursuant to such a filing reflect this limitation.

8. This order shall apply to all Related Actions subsequently filed in or transferred to this District that arise out of the same or similar operative facts as the Direct Purchaser Actions or the Indirect Purchaser Actions. Any subsequently filed actions that are filed in, or transferred to, this Court, will automatically be related and consolidated under the Master Docket, Case. No. 1:24-cv-01941, within 10 calendar days following the filing or transfer of that action. If any party objects to such consolidation or otherwise wishes to seek alternative relief, they must do so before the expiration of that period.

9. All proceedings as to Defendants who have appeared,<sup>1</sup> including the time to file any responsive pleadings or otherwise respond to a Complaint filed in any of the Direct Purchaser Actions or the Indirect Purchaser Actions, are stayed until the Panel has ruled on Plaintiffs KPH Healthcare Services and Redner's Markets' 28 U.S.C. § 1407 motion and Plaintiffs have filed consolidated complaints, if any, whereupon the Parties will meet and confer to agree on a schedule.

**IT IS SO ORDERED.**

Dated: May 1, 2024



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Victor Marrero  
U.S.D.J.

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<sup>1</sup> To date, counsel for the following Defendants have appeared: ASR Group International, Inc., American Sugar Refining, Inc., Domino Foods, Inc., United Sugar Producers & Refiners Cooperative f/k/a United Sugars Corporation, and Michigan Sugar Company.